

NOTE: This order is nonprecedential.

## **United States Court of Appeals for the Federal Circuit**

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**ARACOMA COAL COMPANY, BANDMILL COAL CORPORATION, SPARTAN MINING COMPANY, STIRRAT COAL COMPANY, BLACK STALLION COAL COMPANY, LLC, COYOTE COAL COMPANY, LLC, DODGE HILL MINING COMPANY, LLC, HIGHLAND MINING COMPANY, LLC, KANAWHA EAGLE COAL, LLC, PANTHER, LLC, JUPITER HOLDINGS, LLC, REMINGTON, LLC, WILDCAT, LLC, CONSOL ENERGY, INC., CONSOLIDATION COAL COMPANY, CONSOL OF PENNSYLVANIA COAL COMPANY, CONSOL OF KENTUCKY INC., EIGHTY FOUR MINING COMPANY, HELVETIA COAL COMPANY, ISLAND CREEK COAL COMPANY, KENT COAL MINING COMPANY, LAUREL RUN MINING COMPANY, NINEVAH COAL COMPANY, EAGLE ENERGY, INC., ELK RUN COAL COMPANY, INC., GOALS COAL COMPANY, GREEN VALLEY COAL COMPANY, INDEPENDENCE COAL COMPANY, INC., KNOX CREEK COAL CORPORATION, MARKFORK COAL COMPANY, INC., MARTIN COUNTY COAL CORPORATION, PEERLESS EAGLE COAL COMPANY, PERFORMANCE COAL COMPANY, RAWL SALES & PROCESSING, CO., SIDNEY COAL COMPANY, INC., STONE MINING COMPANY, APOGEE COAL, COVENANT COAL CORP., JIM WALTER RESOURCES, INC., ALEX ENERGY, INC., DELBARTON MINING COMPANY, COLONY**

ARACOMA COAL COMPANY V. US

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**BAY COAL COMPANY, LOGAN FORK COAL  
COMPANY, PINE RIDGE COAL COMPANY,  
RIVERS EDGE MINING, INC., ANDALEX  
RESOURCES, INC., ARCH WESTERN RESOURCES,  
LLC, CANYON FUEL COMPANY, LLC, CATENARY  
COAL COMPANY N/K/A CATENARY COAL  
COMPANY, LLC, CLINTWOOD ELKHORN MINING  
COMPANY, COAL-MAC, INC., COASTAL COAL  
COMPANY, LLC N/K/A ENTERPRISE MINING  
COMPANY, LLC, COASTAL COAL-WEST VIRGINIA,  
LLC N/K/A BROOKS RUN MINING COMPANY, LLC,  
DAL-TEX COAL CORPORATION, EASTERN  
ASSOCIATED COAL CORPORATION N/K/A  
EASTERN ASSOCIATED COAL, LLC, EVERGREEN  
MINING COMPANY, GATLIFF COAL COMPANY,  
GENWAL RESOURCES, INC., GLAMORGAN COAL  
COMPANY, LLC, HOBET MINING, INC., N/K/A  
HOBET MINING, LLC, KEYSTONE COAL MINING  
CORPORATION, KINGSTON RESOURCES, INC.,  
MCELROY COAL COMPANY, MINGO LOGAN  
COAL CO., MOUNTAINEER COAL DEVELOPMENT  
COMPANY, NICHOLAS-CLAY COMPANY, LLC,  
N/K/A AMVEST WEST VIRGINIA COAL, LLC,  
NICHOLAS-CLAY LAND & MINERAL, INC., OLD  
BEN COAL COMPANY, PACIFIC COAST COAL  
COMPANY, PAYNTER BRANCH MINING, INC.,  
PERRY COUNTY COAL CORPORATION, PIONEER  
FUEL CORPORATION, PLATEAU MINING  
CORPORATION, PREMIER ELKHORN COAL  
COMPANY, QUARTO MINING COMPANY, RAG  
CUMBERLAND RESOURCES, L.P. N/K/A  
CUMBERLAND COAL RESOURCES, L.P., RAG  
EMERALD RESOURCES, L.P., N/K/A EMERALD  
COAL RESOURCES, L.P., RIVERSIDE ENERGY,  
INC. N/K/A AMCI HOLDINGS, INC., SHIPYARD  
RIVER COAL TERMINAL COMPANY, TERRY  
EAGLE L.P., UNITED STATES STEEL MINING**

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ARACOMA COAL COMPANY V. US

**COMPANY LLC, USIBELLI COAL MINE, INC.,  
VIRGINIA CREWS COAL COMPANY, AND WEST  
RIDGE RESOURCES, INC.,**  
*Plaintiffs-Appellants,*

**AND**

**POWDER RIVER COAL COMPANY, PEABODY  
HOLDING COMPANY, INC., MID-VOL LEASING,  
INC., AND TWENTYMILE COAL COMPANY,**  
*Plaintiffs-Appellants,*

**v.**

**UNITED STATES,**  
*Defendant-Appellee.*

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2012-5090, -5091, -5092, -5093, -5094, -5095

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Appeals from the United States Court of Federal  
Claims in consolidated case nos. 09-CV-734, 09-CV-770,  
05-CV-1284, 07-CV-266, 05-CV-929 and 05-CV-1211,  
Senior Judge Bohdan A. Futey.

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**CLINCHFIELD COAL COMPANY, ELKAY MINING  
COMPANY, HEARTLAND COAL COMPANY,  
HOLSTON MINING COMPANY, MEADOW RIVER  
COAL COMPANY, MOTIVATION COAL COMPANY,  
PARAMONT COAL CORPORATION, PYXIS  
RESOURCES CORPORATION, RANGER FUEL  
CORPORATION, AND SEA "B" MINING COMPANY,**  
*Plaintiffs-Appellants,*

**v.**

**UNITED STATES,**

ARACOMA COAL COMPANY V. US

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*Defendant-Appellee.*

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2012-5121

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Appeal from the United States Court of Federal  
Claims in case no. 02-CV-069, Judge Lynn J. Bush.

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**MINGO LOGAN COAL COMPANY,**

*Plaintiff-Appellant,*

**v.**

**UNITED STATES,**

*Defendant-Appellee.*

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2012-5133

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Appeal from the United States Court of Federal  
Claims in case no. 00-CV-0761, Judge Francis M. Allegra.

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**RED RIVER COAL COMPANY, INC.,**

*Plaintiff-Appellant,*

**v.**

**UNITED STATES,**

*Defendant-Appellee.*

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2012-5134

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ARACOMA COAL COMPANY V. US

Appeal from the United States Court of Federal  
Claims in case no. 01-CV-0441, Judge George W. Miller.

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**ON MOTION**

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**O R D E R**

Upon consideration of the unopposed motion to consolidate appeal 2012-5090 et al. with appeals 2012-5121, 2012-5133 and 2012-5134, to set the briefing schedule, and the motion for an extension of time to file the opening brief,

IT IS ORDERED THAT:

(1) The motions are granted. Appellants' opening brief is due no later than October 26, 2012.

(2) The revised official caption is reflected above.

FOR THE COURT

SEP 26 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Steven H. Becker, Esq.  
Lindsay Minnis, Esq.  
Tara K. Hogan, Esq.  
Robert M. Rolfe, Esq.  
John Y. Merrell, Jr., Esq.

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**FILED**  
**U.S. COURT OF APPEALS FOR**  
**THE FEDERAL CIRCUIT**

**SEP 26 2012**

**JAN HORBALY**  
**CLERK**